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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,202	12/05/2003	Thomas Volkel	2001P07021WOUS	2442

7590 05/11/2005

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPT.
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

KUNDU, SUJOY K

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,202

Applicant(s)

VOLKEL, THOMAS

Examiner

Sujoy K. Kundu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung et al. (5,177,695) as in view of Hawkes et al (5,973,643).

With regards to Claim 1, Sung et al. teaches a method for monitoring at least one measuring signal comprising:

cyclically determining by a computer system a characteristics value of measuring signal (Detailed Description, Fig. 1, 102, Column 2, Lines 20-23) in measuring periods which are separated from one another by a time interval (Fig. 1, 104, Column 2, Lines 20-35);

automatically defining a priority to the measuring signal (Detailed Description, Column 2, Lines 33-37, Fig. 1, 112/120);

automatically assigning the priority to the measuring signal (Detailed Description, Column 3, Lines 35-57, Fig.2, 206/208/210/212);

Sung, does not teach automatically specifying a time interval between the measuring periods as a function of the priority. Hawkes discloses a method for monitoring at least one measuring signal including automatically specifying a time

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interval between the measuring periods as a function of the priority (Fig. 8, 87, Column 8, Lines 52-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically specifying a time interval between the measuring periods as a function of the priority as taught by Hawkes into Sung for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sung and Hawkes as applied to claim 1 above, and further in view of Berger et al. (5,920,617).

Regarding claim 2 Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal. Berger discloses a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal (Claims, Column 4, Lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the priority is automatically defined as a function of the characteristic value of the measuring signal as taught by Berger into Sung and Hawkes for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19) .

Regarding claims 3 and 7, Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the priority is automatically defined as a function of size of the difference in the characteristic values of the measuring signal which were determined in two successive measuring periods. Berger discloses a method wherein the priority is automatically defined as a function of size of the difference in the characteristic values of the measuring signal which were determined in two successive measuring periods (Claims, Column 4, Lines 16-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the priority is automatically defined as a function of size of the difference in the characteristic values of the measuring signal which were determined in two successive measuring periods as taught by Berger into Sung and Hawkes for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19) .

Regarding claims 4, 8, and 9, Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the priority is automatically defined as a function of a trend analysis performed by the computer system of the characteristic values of the measuring signal which were determined in successive measuring periods. Berger discloses a method wherein the priority is automatically defined as a function of a trend analysis performed by the computer system of the characteristic values of the measuring signal which were determined in successive measuring periods (Claims, Column 4, Lines 48-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the priority is automatically defined as a function of a trend analysis performed by the computer system of the characteristic values of the measuring signal which were determined in successive measuring periods as taught by Berger into Sung and Hawkes for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Regarding claims 5, 10, 11, and 12, Sung, teaches all the limitations as discussed above, however Sung as modified does not teach a method wherein the measuring periods are embodied as discrete sampling instants and the characteristic values of the measuring signal are embodied as momentary values of the measuring signal. Berger discloses a method wherein the measuring periods are embodied as discrete sampling instants and the characteristic values of the measuring signal are embodied as momentary values of the measuring signal (Fig 2, Column 3, Lines 7-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method wherein the measuring periods are embodied as discrete sampling instants and the characteristic values of the measuring signal are embodied as momentary values of the measuring signal as taught by Berger into Sung and Hawkes for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19) .

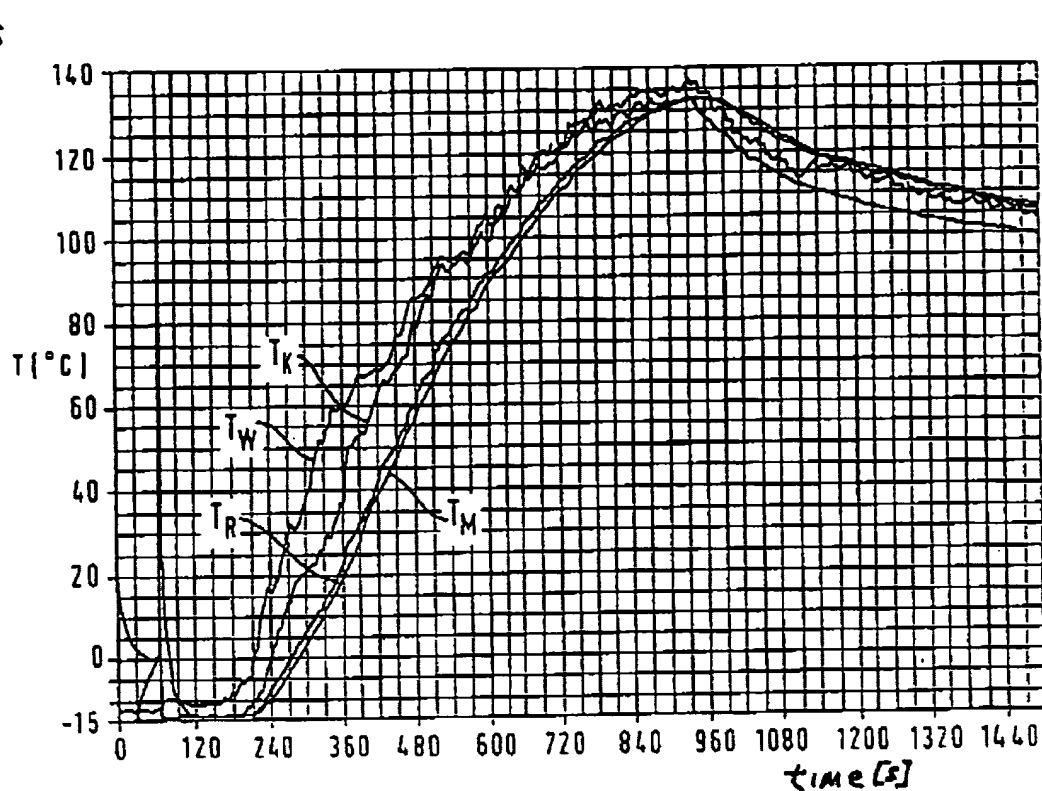


Fig.2

Regarding claim 6, Berger teaches a method for use in automation technology (Claims, Column 4, Lines 49-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method for use in automation technology as taught by Berger into Sung and Hawkes for the purpose of creating a control system that allows alteration of a digital power control without requiring simultaneous physical modification of the system (Sung, Column 1, Lines 13-19).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier


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communications from the examiner should be directed to Sujoy K. Kundu whose telephone number is 571-272-8586. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKK
04/20/05



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